

**REMARKS/ARGUMENTS**

***Amendments in General***

1. Claims 1 and 15 have been amended.
2. Claim 1 has been amended to include the feature of the flexible piping connector further including at least one rib on a portion of an internal surface. This feature is shown in Figure 4 and is designated by the number 16. This feature is also described at the end of paragraph 2 on page 7. The purpose of the protrusion is to provide a pair of shoulders 18 against which other components of the connector may abut as described in paragraphs 26 to 29.
3. Claim 15 has been amended to include the additional feature of an annular depression, which acts as the weakening point. The depression and the rib are positioned at the same axial location. The inclusion of a rib permits the use of two annular members to provide support to the flexible connector while ensuring the bore through the connector is of a substantially constant diameter. The Applicant believes that it is counter intuitive to provide a rib at the location shown in Figure 1 because this is effectively thickening the material at the intended point of a weakness created by groove 14.
4. Claim 14 has been amended to claim the flanking members which, with the pipe sections, sandwich the flexible tubular member. This arrangement also provides support to the flexible member, preventing the flexible connector from collapsing while it is flexing.
5. Claim 5 has been amended to overcome the rejections made by the Examiner under 35 USC §112. In particular, claim 5 has been amended to now depend from claim 3.
6. The specification has been amended to overcome the objections noted by the Examiner. In particular, paragraphs 8 and 30 have been amended to replace the symbol  $^{\circ}$  with the word degrees.

***Claim Rejections - 35 USC § 102***

7. The Examiner has rejected claims 1-15 under 35 USC §102(b) as being anticipated by U.S. Pat. No. 5,749,609 to Steele.
8. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
9. As a preliminary matter it should be brought to the Examiner’s attention that the Steele patent does not disclose or suggest an overflow attachment adapted for connecting the second end of the connector to an overflow outlet on a bath.
10. While the Examiner is correct that the intended use is not a limiting feature that would distinguish the present invention over the prior art, in this case the overflow attachment is a recited structural claim limitation that is not included within the Steele reference.
11. The law is clear that in order for an invention to be anticipated, each and every feature of the accused device must be found in one reference. The Steele reference does not include the limitation of an overflow attachment; therefore the Steele reference does not anticipate any of the claims in the present application because all of these claims include an overflow attachment.
12. Furthermore, the Steele reference does not teach the features that have been included to claims 1, 14 and 15 by the amendments in this Office Action.
13. Claim 1 has been amended to include the limitation of a rib on the internal surface. The Steele reference does not teach this feature.
14. Furthermore, the Steele reference does not contain the features of at least two flanking members that are located concentric to and axially displaced on either side of a flexible member, and which interact to prevent the flexion of the connector beyond a desired amount, as is claimed in Claim 5.
15. The reinforcing bands 13, 14 that are included in the Steele invention do not prevent or limit the flexion of the connector that is shown in the Steele reference.

16. The Steele reference also fails to teach the feature of a tubular flexible member that is sandwiched between the first pipe section and the first flanking member, and a second portion of the tubular flexible member is sandwiched between the second pipe section and the second flanking member.

17. This feature was included with the newly amended claim 14, is shown in Figures 1 and 6 of the application as filed, and patentably distinguishes the present invention over the Steele reference.

18. The Steele reference also fails to teach the inclusion of an external surface that defines an annular depression and an internal surface that defines an annular rib, the annular depression, and an internal surface defining an annular rib, the annular depression and the annular rib being at the same location. This feature has been added to claim 15 of the application and serves to functionally distinguish the present invention over the Steele reference.


#### CONCLUSION

Reconsideration and allowance of the application as amended is respectfully requested.

In the event that the Examiner, believes that none of the subject matter in the application is patentable after review of the here presented comments and amendments, the undersigned hereby requests a telephone interview to discuss the application.

DATED this 14<sup>th</sup> day of January 2005.

Very respectfully,

  
\_\_\_\_\_  
DEREK H. MAUGHAN  
Reg. No. 52,007  
(208) 345-1122



Examiner Nicholson  
Serial # 10/785,581

---

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service on the below date as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DATE: January 14, 2005

Amber R. Smith  
Amber R. Smith